

Application No. 10/009,917

AMENDMENTS TO THE DRAWINGS

Replacement Figure 1 with legends translated from French to English.

Attachment: Replacement Sheets

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REMARKS

Claims 23-40 are pending. By this Amendment, claims 23, 26-30, 33-36 and 38-40 are amended. In view of the foregoing amendments to the claims and drawings, reconsideration and withdrawal of the rejection are respectfully requested.

Information Disclosure Statement

The Office Action asserted that the Information Disclosure Statement filed 10 December 2001 fails to comply with 37 C.F.R. § 1.98(a)(3) as not including a concise explanation of the relevance as presently understood by the individual designated in 37 C.F.R. § 1.56(c) as most knowledgeable about the content of the information of each patent listed that is not in the English language, the Office Action stating that the Information Disclosure Statement has been placed in the application file, but the information referred to therein has not been considered.

Applicant notes that an English translation of the International Preliminary Examination Report was filed on April 15, 2002. Therefore, the significance of the French documents is of record and the Examiner is respectfully requested to consider the documents in the Information Disclosure Statement.¹

Claim Objections

The Office Action objected to claims 23, 27-31, 33-36, 38 and 40, asserting limitations in each claim having no antecedent basis. The claims objected to by the Office

¹ See M.P.E.P. § 609.04(a)(III) ("Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.").

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Action are amended and Applicant submits that antecedence is now proper for the limitations stated in the rejections. In view of the claim amendments, reconsideration and withdrawal of the objection are respectfully requested.

Drawings

The Office Action objected to the drawings, asserting that proper legends were missing, and stating that proposed drawing corrections or corrected drawings are required in the reply to avoid abandonment of the application and that the objection to the drawings would not be held in abeyance.

Replacement Figure 1 with the legends translated to English is enclosed and reconsideration and withdrawal of the objection are respectfully requested.

35 U.S.C. § 112

Claim 28 is rejected under 35 U.S.C. § 112, ¶ 1 as containing subject matter not described in the specification. Applicant respectfully traverses this rejection and respectfully submits that support for claim 28 can be found, e.g., at page 4, lines 13-27 of the application as filed. Because claim 28 is supported, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 23, 26, 27, 29, 35, 36, and 40 are rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this Application, the pending claims are amended and Applicant submits that the pending claims are no longer indefinite. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

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35 U.S.C. § 103

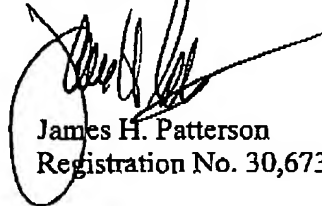
Claims 23-28, 30-33, 35-36, and 38-40 are rejected under 35 U.S.C. § 103(a) as obvious over U.S. 6,327,347 ("Gutzmann"), in view of U.S. 6,107,935 ("Comerford et al."). Claims 29 and 37 are rejected under 35 U.S.C. § 103(a) as obvious over U.S. Gutzmann ("Comerford et al."), in view of U.S. 5,825,871 ("Mark"). Applicant respectfully traverses these rejections. However, in order to advance the prosecution of this Application, the pending claims are amended. Applicant further notes that Gutzmann and Comerford, even in combination, would not suggest checking the identity of the caller by a piece of biometric data different from the initial piece of biometric data used for the initial identification of the caller. Additionally, Gutzmann and Comerford, even in combination, does not disclose or suggest checking on the identity of the caller during the communication by the voice print of the latter. Therefore, none of the pending claims are obvious over the cited documents and reconsideration and withdrawal of the rejections are respectfully requested.

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CONCLUSION

In view of the foregoing, it is submitted that this Application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. To this end, the Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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